

**CITY OF HORSESHOE BAY**

**ORDINANCE NO. DRAFT**

**ZONING ORDINANCE AMENDMENT ESTABLISHING DEFINITIONS AND  
REGULATIONS FOR THE LOCATION OF ACCESSORY BUILDINGS/  
STRUCTURES, BOAT HOUSES, BULKHEADS, DECKS, FENCES, POOL  
ENCLOSURES, PRIVATE SIDEWALKS, RETAINING WALLS, AND  
SWIMMING POOLS**

**AN ORDINANCE OF THE CITY OF HORSESHOE BAY  
AMENDING ORDINANCE 07-09-18E OF THE CITY OF  
HORSESHOE BAY, TEXAS BY AMENDING THE DEFINITIONS  
FOR ACCESSORY STRUCTURE OR APPURTENANCE,  
ACCESSORY USE, DECK, FENCE, AND SWIMMING POOL;  
ESTABLISHING DEFINITIONS FOR BOAT HOUSE,  
BULKHEAD, POOL ENCLOSURE, AND RETAINING WALL;  
AND ADDING SECTIONS 3.2.2(m) AND 3.2.2.(n) TO REGULATE  
THE LOCATION OF ACCESSORY BUILDINGS AND  
STRUCTURES, BOAT HOUSES, BULKHEADS, FENCES, POOL  
ENCLOSURES, RETAINING WALLS, AND SWIMMING POOLS  
IN ALL ZONES RELATIVE TO BUILDING SETBACKS;  
PROVIDING FOR EFFECTIVE DATE, REPEALER,  
SEVERABILITY AND FINDING OF PROPER NOTICE AND  
MEETING.**

**WHEREAS,** Ordinance No. 07-09-18E, the City of Horseshoe Bay's Zoning Ordinance does not provide specific regulations regarding the location of accessory buildings/structures, boat houses, bulkheads, decks, fences, pool enclosures, retaining walls and swimming pools, relative to building setbacks; and

**WHEREAS,** The City Council of Horseshoe Bay finds that amending the Zoning Ordinance to provide such regulations is in the best interests of the City; and

**WHEREAS,** the City Council finds that it is necessary and proper for the good government, peace or order of the City of Horseshoe Bay to establish regulations for the location of accessory buildings/structures, boat houses, bulkheads, decks, fences, pool enclosures, private sidewalks, retaining walls, and swimming pools;

**NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Horseshoe Bay, Texas that:**

## **I. FINDINGS OF FACT**

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

## **II. AMENDMENT OF EXISTING DEFINITIONS AND NEW SECTIONS**

### **(a) Amendment of Existing Definitions**

The following definitions in Appendix A of Ordinance 07-09-18E are hereby deleted in their entirety:

#### **Accessory Structure or Appurtenance**

#### **Accessory Use**

#### **Deck**

#### **Fence**

#### **Swimming Pool (private)**

The following definitions are hereby added to Appendix A of Ordinance 07-09-18E as follows:

**Accessory Building:** means a subordinate building, constructed or erected, the use of which is clearly incidental to, or customarily found in connection with, and located on the same lot as, the use of the main building or principal use of the land. No accessory building shall be used for storage, except in the M-1 Classification in Zone 4B, Horseshoe Bay South and in Zone 5, Bay Country.

**Accessory Structure:** means a subordinate structure which requires permanent location on the ground or is attached to something having location on the ground, the use of which is clearly incidental to, or customarily found in connection with, and located on the same lot as, the use of the main building or principal use of the land. Accessory structures include decks, fences, bulkheads, private sidewalks, retaining walls and swimming pools.

**Bathroom:** means a structure with a shower for changing clothes and for enclosing pool equipment.

**Boat House:** means an enclosed or partially enclosed structure designed for the use and storage of private watercraft and marine equipment, and if located underneath a part of the house, is considered a part of the residential structure.

**Bulkhead:** means a wall or an embankment along a waterfront that acts as a protective barrier, and can be a stone or concrete barrier. Bulkhead areas can have logs, rip-rap, etc. at their base. In Zone 7 The Peninsula, bulkheads can only be made of stone.

**Cabana:** means a small structure, that could be open-air, that provides an outdoor shade space, and is not used for living space.

**Deck/Patio/Porch:** means an exterior floor made of concrete, wood or other hard surface, whether covered or not, attached to a building, a platform, or an open or enclosed area attached to the outside of a building, or an outdoor space for dining or recreation that adjoins a residence.

**Fence:** means a constructed barrier which may be made of split-rail cedar but not a wooden privacy fence in Horseshoe Bay Proper, West and South only; metal, stone, brick or any manufactured materials, approved by the appropriate Subdivision's Architectural Control Committee. A fence can also be a wall.

**Pool Enclosure:** means a fence, building wall or other barrier that completely surrounds and obstructs access to a swimming pool.

**Retaining Wall:** means a wall designed to resist the lateral displacement of soils and other materials.

**Swimming Pool:** means any structure intended for swimming or recreational bathing that contains water over 18 inches deep, and includes in-ground and above ground structures and includes, but is not limited to hot tubs, spas, and wading pools.

**(b) Deletion of Existing Sections in Conflict**

The following Subsections are hereby deleted as follows:

- (1) Section 3.4.2 (a) (4), in its entirety.
- (2) Section 3.5.3 (b), in its entirety.
- (3) Section 3.6.1 (b), in its entirety.
- (4) Section 3.9.1 (h), all wording except for the last sentence.
- (5) Section 3.11.1 (r), all wording except for the first through third sentences.

**(c) Addition of Subsection 3.2.2(m)**

Subsection 3.2.2(m) of Ordinance No. 07-09-18E, the City of Horseshoe Bay's Zoning Ordinance, is hereby established to read as follows:

(m) Residential Accessory Buildings as defined in this Ordinance must comply with the following standards:

(1) Accessory buildings may not occupy more than fifty (50) percent of the required rear yard, must be located at least 10 feet from the main building, must not exceed fifteen (15) feet in height, cannot be closer than fifteen (15) feet from the rear property line except as otherwise provided below, and may not be located in the side or front setbacks except as otherwise provided below.

(2) Except for boat houses which can be located at the water's edge or over water on waterfront lots, all other accessory buildings shall be attached to the main residence by a common wall or covered breezeway or passageway.

**(d) Addition of Subsection 3.2.2(n)**

Subsection 3.2.2(n) of Ordinance No. 07-09-18E, the City of Horseshoe Bay's Zoning Ordinance, is hereby established to read as follows:

(n) Residential Accessory Structures as defined in this Ordinance must comply with the following standards:

(1) When a bulkhead or retaining wall is used to stabilize an excavation into existing grade on a sloping site greater than six (6) feet, then the maximum height shall be as established through a grading permit. If a new fence is to be placed on top of such a bulkhead or wall, the maximum height of the fence on side and rear yards shall be seven (7) feet.

(2) Uncovered decks and uncovered porches which exceed eighteen (18) inches above the finished grade may project:

- (a) Eighteen (18) inches into interior side yard setbacks, and
- (b) Five (5) feet into the front/rear yard setback;

(3) Uncovered decks and uncovered porches not exceeding eighteen (18) inches above the finished grade may project:

- (a) Eighteen (18) inches into interior side yard setbacks;
- (b) Ten (10) feet into the rear setback, or no more than twenty-five (25) feet into Lake LBJ for waterfront lots in all Subdivisions except Zone 1 Applehead, where it can project (thirty) 30 feet, and Zone 7 The Peninsula, where it can project 50 feet; and
- (c) Ten (10) feet into the front yard setback.

(4) No covered decks, porches or structures can encroach into any front, rear or side yard setback.

(5) Fences do not have to be attached to the main building, must not exceed seven (7) feet in height, and cannot be chain-link, wooden privacy, cyclone or hurricane type fences.

(6) No fences or walls are permitted in the front yard setback, but can be located up to or above the 825 foot contour line of Lake LBJ on waterfront lots.

(7) A fence or wall may be located in the side or rear yard setback, and a wrought iron fence may be located along the side yard up to the front yard setback.

(8) Filter and heating systems for swimming pools may encroach into a side or rear yard setback.

(9) When a side or rear yard fence is to be built along a sloping grade, the maximum seven (7) foot height may be averaged in stepped segments to allow the fence to follow the natural rise and fall of the slope. However, under no circumstances shall any portion of the fence exceed eight (8) feet above finished grade, except as allowed on an approved plat.

(10) Pool Enclosures must meet all of the State of Texas Insurance requirements, as well as building and safety codes.

(11) Swimming pools do not have to be attached to the main building and may be located in any side or rear yard but must not be located within any utility easement. In-ground pools, including "Negative Edge" pools are permitted. Permanent above ground pools are permitted, except as otherwise restricted in Zone 9 Escondido, Zone 10 Siena Creek and Zone 11 The Trails. Spas do not require an enclosure, but do require a cover. The pool equipment areas must be screened from view from all surrounding properties. The pool equipment screen must be opaque. Screening with plant material must be large enough at time of planting to form a solid hedge; architectural screening must be of material and color that is complementary to the house. Exposed pool foundations, pool skirting or patio foundation must be constructed of the same masonry material as the single-family residence constructed on the lot. Wood decking or recyclable wood/plastic products are prohibited.

### **III. EFFECTIVE DATE**

This Ordinance shall be and become effective immediately upon and after its passage and publication as may be required by governing law.

### **IV. REPEALER**

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

## **V. SEVERABILITY**

Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

## **VI. PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**ADOPTED AND APPROVED** on this \_\_\_\_ day of \_\_\_\_\_, 2008 by a vote of the City Council of the City of Horseshoe Bay, Texas.

**CITY OF HORSESHOE BAY, TEXAS**

\_\_\_\_\_  
**Robert W. Lambert, Mayor**

**Attest:**

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**Teresa L. Moore, City Secretary**